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09/650,034	08/29/2000	Brian Siegel	SNY-P4055.01	8387
24337	7590	12/13/2005	EXAMINER	
MILLER PATENT SERVICES 2500 DOCKERY LANE RALEIGH, NC 27606			BASHORE, ALAIN L	
			ART UNIT	PAPER NUMBER
			1762	
DATE MAILED: 12/13/2005				

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/650,034
Filing Date: August 29, 2000
Appellant(s): SIEGEL, BRIAN

MAILED
DEC 13 2005
GROUP 1700

Jerry A. Miller
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6-27-05 appealing from the Office action
mailed 12-21-04

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,092,053	BOESCH et al	7-2000
6,119,933	WONG et al	9-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15, 17-28, 30, 39-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong et al in view of Boesch et al.

Wong et al. disclose a method, corresponding system and storage medium of tracking online credit card usage by a user of a general purpose personal computing device operating as an internet communication device, comprising monitoring entries

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made on a point-of-sale device using a computer program that operates as a background process while a foreground process is also carried out (abstract; col.1, lines 22-30, col. 2, lines 10-15), wherein the foreground process comprises an internet communication process in which an online credit card transaction is being carried out by entry of information entries made by recognizing of a credit card number in the entries made (abstract; col. 1, lines 22-30; col. 2, lines 10-15); and upon recognizing an instance of a credit card transaction, automatically populating the web page with data stored in a user profile and storing information describing the credit card transaction in a database accessible by the POS device (col. 1, lines 44-55).

Wong et al. disclose the retrieval of the information describing the credit card transaction from the database via a point-of-sale device (col. 1, lines 22-30; col. 2, lines 10-15). Wong et al. discloses matching an entry with a stored sixteen digit credit card number (col. 12, lines 10- 15). Wong et al. discloses the information describing the credit card transaction comprises a monetary amount spent (col. 1, lines 63-67). Wong et al. discloses the information describing the credit card transaction comprises a date and time of the transaction (col. 1, lines 63-67). Wong et al. discloses the information describing the credit card transaction comprises a user identifier (col. 1, lines 36-43). Wong et al discloses the information describing the credit card transaction comprises a monetary amount spent, a date and time of the transaction, and a merchant name with which transaction was carried out (col. 1, lines 56-67). Wong et al. discloses carrying out a database function on the database. (See column 1, line 67 and column 2, lines 1-

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2). Wong et al. discloses the database function comprises totaling a monetary value of a plurality of transactions. (See column 1, lines 63-67). Wong et al. discloses that upon recognizing an instance of a credit card transaction, asking a user to verify confirm storage of information describing the credit card transaction prior to storing the information describing the credit card transaction in the database. (See column 12, lines 54-67). Wong et al. discloses granting access to the database to a creditor; permitting the creditor to charge a monetary value as a credit card transaction, and permitting the creditor to enter the credit card transaction into the database (abstract; col. 12, lines 65-67). The presence of transactions as shown in the prior art inherently includes the verification of the existence of a transaction per se.

Wong et al does not disclose:

- use of personal computing device as a point-of-sale device;

- the database is stored in a remote location and where the storage device is connected to a network file server.

Boesch et al. teach the use of personal computing device to conduct on-line purchase (abstract; fig. 1 and associated text).

It would have been obvious to one of ordinary skill in the art to include personal computing device such as a computer as a point-of-sale device. One of ordinary skill in

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the art would be motivated to do this because on-line shopping is very common and convenient.

Boesch et al. teach that a database is stored in a remote location such as the consumer information server connected to a network server (abstract; fig. 1 and associated text).

It would have been obvious to one of ordinary skill in the art to include personal computing device such as a computer as a point-of-sale device. One of ordinary skill in the art would be motivated to do this because on-line shopping is very common and convenient.

(10) Response to Argument

Since the prior art discloses authorization, there is inherently included both recognizing and verification. The claims are interpreted as not requiring "separate" verification. Since Wong et al utilizes the Internet to send and receive a response there is detection present and the term "detection" is given the broadest meaning - a response to input. Since Wong et al utilizes a specific input at a specific time, there is present monitoring, and the term "monitoring" is given the broadest meaning – the act of recording or controlling a process. Since there is required a response obtained via Internet, Wong et al teaches a verification operation.

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Since the term "separately" was not used in claim 1, the recitation as a whole is interpreted in the entirety.

The Boesch et al supposed teaching as "teaching away", is in the context of "large" amounts of software called "wallets" onto personal computers. There is no specific teaching away of the combined references as set forth in the rejection of record.

Regarding permitting access to a database by a creditor, Wong et al discloses such (as described in the rejection above). Further, there is disclosed access to the teaching to Boesch et al (col 10, lines 44-67; col 11, lines 1-9). It would have been obvious to one with ordinary skill in the art to include such for the purpose of liability requirements.


(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.


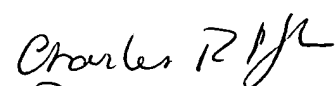
(12) Conclusion

For the above reasons, it is believed that the rejections should be sustained.

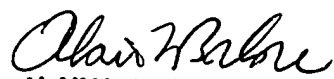
Respectfully submitted,


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